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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

** All papers shall be filed in the Lead Case, No. 19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REORGANIZED DEBTORS' OBJECTIONS
TO DECLARATION OF SCOTT BATES**

[Relates to Docket No. 11066, 11263]

Date: September 29, 2021

Time: 10:00 a.m. (Pacific Time)

Place: (Tele/Videoconference Appearances Only)

United States Bankruptcy Court

Courtroom 17, 16th Floor

San Francisco, CA 94102

1 PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as
2 debtors and reorganized debtors (collectively, the “**Debtors**” or as reorganized pursuant to the Plan,¹
3 the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”),
4 submit the following objections to the Declaration of Scott Bates (the “**Bates Declaration**”) attached
5 to the *Motion for Relief from Plan Injunction, to Compel Arbitration and/or for Abstention* filed by
6 Fulcrum Credit Partners, LLC [Docket No. 11066].

7 1. Objection is made to paragraph 3 of the Bates Declaration on the ground that it is
8 argumentative, vague and ambiguous. *See* FRE 611; FRE 403.

9 2. Objection is made to the first sentence of paragraph 4 of the Bates Declaration on the
10 ground that the Declarant does not state that he “began to discuss terms for use of the Property with
11 PG&E” and may lack personal knowledge. *See* FRE 602. The statement is also argumentative, vague
12 and ambiguous. *See* FRE 611; FRE 403. Objection is made to the second sentence of paragraph 4 of
13 the Bates Declaration on the grounds that it lacks foundation and is vague and ambiguous. Objection
14 is made to the fourth sentence in paragraph 4 of the Bates Declaration on the grounds that it is
15 argumentative and directly contrary to the terms of the integrated Letter Agreement, which states that
16 TRA, not PG&E, “winterized” the property by transporting and dumping gravel and base rock at the
17 expense of PG&E—all with TRA’s express agreement. *See* FRE 611; FRE 403; Cal. Civ. Code
18 § 1625; Cal. Code Civ. Proc. § 1856; *Cruzan by Cruzan v. Director of Missouri Dept. of Health*, 497
19 U.S. 261, 284 (1990).

20 3. Objection is made to paragraph 5 of the Bates Declaration to the extent it purports to
21 interpret and characterize the provisions of the integrated Letter Agreement dated November 18, 2018.
22 *See* Cal. Civ. Code § 1625; Cal. Code Civ. Proc. § 1856; *Cruzan by Cruzan v. Director of Missouri*
23 *Dept. of Health*, 497 U.S. 261, 284 (1990).

24 4. Objection is made to paragraph 6 of the Bates Declaration on the grounds that it
25 constitutes impermissible hearsay. *See* FRE 801(c). Further objection is made to paragraph 6 on the

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27 ¹ Capitalized terms used but not defined herein have the meanings ascribed to them in the *Reorganized*
28 *Debtors’ Opposition to Motion for Relief from Plan Injunction, to Compel Arbitration and/or for*
Abstention [Docket No. 11263].

1 ground that it lacks foundation and is inconsistent with other facts, including the Letter Agreement.
2 See FRE 104; Cal. Civ. Code § 1625; Cal. Code Civ. Proc. § 1856; *Cruzan by Cruzan v. Director of*
3 *Missouri Dept. of Health*, 497 U.S. 261, 284 (1990).

4 5. Objection is made to Paragraph 7 of the Bates Declaration on the grounds that it is
5 vague, ambiguous, argumentative and lacks foundation. See FRE 611; FRE 403; FRE 104.

6 6. Objection is made to Paragraph 8 of the Bates Declaration on the ground that the
7 statement that TRA was “forced” to file a Proof of Claim is argumentative. See FRE 611; FRE 403.

8 The Reorganized Debtors respectfully request that the Court sustain their Objections to the
9 Declaration of Scott Bates.

10 Dated: September 15, 2021

KELLER BENVENUTTI KIM LLP
GOUGH & HANCOCK LLP

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12 By: /s/ Gayle L. Gough
13 Gayle L. Gough

14 *Attorneys for Debtors and Reorganized Debtors*
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